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EXAMINER	
ROBINSON BOYCE, AKIBA K	
ART UNIT	**PAPER NUMBER**
3639	

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/746,969	PANELLI, EDWARD J.	
	Examiner	Art Unit	
	Akiba K Robinson-Boyce	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1. Due to communications filed 2/23/05, the following is final office action. Claim 29 has been amended. Claims 1-39 are pending in this application and have been examined on the merits. Claims 1-39 are rejected as follows.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor et al (US 6,070,149), and further in view of Doi et al (US 5,224,177).

As per claim 1,Tavor et al discloses:

an application server, (col. 3, lines 27-29, Web server), to direct a query page to the customer via the network, (Col. 49, lines 30-34, set of questions for presenting to customer, col. 7, lines 65-67, shows the generation of a query to present to a user), wherein the query page comprises a plurality of questions designed to enable the computer system to determine a recommended...viewing station based on the customer's responses to the plurality of questions, (Col. 49, line 66-Col. 50, line 15,

receiving responses from customer and using rules to select and activate a sales engine unit, where the sales engine unit represents the viewing station),

a comparison program to receive a completed query page from the customer and compare the customer's responses in the completed query page to a plurality of predicted responses to the plurality of questions, a predicted response corresponding to a radiological viewing station configuration, (Col. 7, lines 17-33, compares the pattern of the condition to the already known information); and

a server to provide a results page to the customer via the network, the results page providing the customer with a recommended...viewing station, (col. 7. lines 12-15, shows a software module that provides support for recommending a particular product to a user, w/ col. 3, lines 27-29, shows system is installed over a Web server , and Col. 8, lines 66-67, show that a multimedia reference can be presented to the user such as a picture in an HTML).

Tavor et al does not specifically disclose that the viewing station is radiological or that the radiological viewing workstation enabling an operator to view images produced by imaging systems of different modalities, further wherein the query page establishes whether a first radiological viewing station that only has the ability to view radiological images or a second radiological viewing station that has the ability to manipulate radiological images is to be recommended, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67. Also, Col. 50, lines 49-54, shows that customer is given alternative products to choose from.

However, Doi et al discloses:

A radiological viewing workstation enabling an operator to view images produced by imaging systems of different modalities, further wherein the query page establishes whether a first radiological viewing station that only has the ability to view radiological images or a second radiological viewing station that has the ability to manipulate radiological images is to be recommended, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system, and Col. 3, lines 59-65, discloses that a screen with an improperly exposed image and one that displays a properly exposed image are both determined and the image that is improperly exposed is subject to a density correction factor). Doi et al discloses this feature in an analogous art for the purpose of showing that the improperly exposed image can be corrected.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation enabling an operator to view images produced by imaging systems of different modalities, further wherein the query page establishes whether a first radiological viewing station that only has the ability to view radiological images or a second radiological viewing station that has the ability to manipulate radiological images is to be recommended with the motivation of recommending the most appropriate view.

As per claims 2-4, neither Tavor et al and Doi et al fail to disclose that the station enables an operator to view images produced by a computed tomography

system, the station enables an operator to view images produced by a magnetic resonance imaging system, that the station enables an operator to view images produced by a positron emission tomography system.

Official notice is taken that it is old and well known in the art for a radiological viewing station to enable an operator to view images produced by a computed tomography system, a magnetic resonance imaging system and a positron emission tomography system. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for a radiological viewing station to enable an operator to view images produced by a computed tomography system, a magnetic resonance imaging system and a positron emission tomography system with the motivation of utilizing radiological station to produce specialty images such as three-dimensional images from the tomography system. These type of viewing features are included in the latest radiological viewing technology and are utilized currently by radiologists today.

As per claim 5, Tavor et al fails to disclose that the station enables an operator to view images produced by a computed radiological CR system, but does disclose that that a multimedia reference such as a picture can be presented to the user in Col. 8,line 66-67.

However, Doi et al discloses:

that the station enables an operator to view images produced by a computed radiological CR system, (Col. 8, lines 10-15, shows images of CR system are evaluated). Doi et al discloses this limitation in an analogous art for the purpose of showing that CR systems can be used for evaluating images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to enable an operator to view images produced by a computed radiological CR system with the motivation of utilizing a system with a high modulation transfer function.

As per claim 6, Tavor et al discloses:

Wherein the comparison program comprises a Java class, (Col. 2,lines 32-34, Java applet part of Java class).

As per claim 7, Tavor et al discloses:

wherein the application server comprises a Java applet, (Col. 2,lines 32-34, Java applet).

As per claim 8, Tavor et al discloses:

further comprising a product selector file, wherein the product selector file contains the plurality of questions for supplying the query page, (Col. 49, lines 45-53, rules governing the selection).

As per claim 9, Tavor et al discloses:

wherein the product selector file is written in extensible markup language (XML), (col. 2,lines 17-24, XML).

As per claim 10, Tavor et al discloses:

wherein the query page is written in Java script, (Col. 2,lines 32-34, software module written in Java).

As per claims 11, 12, Tavor et al discloses:

wherein the query page comprises a link to a help page, wherein the help page provides information to assist a customer to answer at least one of the plurality of questions/ wherein each question has an associated link to a help page, wherein the help page provides information to assist a customer answer each of the plurality of questions, (Col. 7, lines 34-39, asking user questions to get more information for missing values, also, col. 42, lines 31-42, allows user help with an unrecognized word, where the invention is implemented in a GUI environment that provides Web pages as disclosed in Col. 2, lines 16-31, also, col. 9, lines 20-22 shows that topics contain an HTML reference or link to a URL).

As per claim 13, Tavor et al discloses:

wherein the information stored in the computer system is stored in a product configuration file, wherein the product configuration file contains data on specific configurations, (col. 10, lines 15-21, configuration file).

Tavor et al does not specifically disclose that the viewing station is radiological, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67.

However, Doi et al discloses:

A radiological viewing workstation, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system. Doi et al discloses this feature in an analogous art for the purpose of showing that workstations can be used to view radiological images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation with the motivation of viewing radiological images.

As per claim 14, Tavor et al discloses:

wherein the specific configurations of radiological viewing stations is determined by a sales history of specific configurations of radiological viewing stations, (Col. 40, line 43-Col. 41, line 4, chat history with sales representative and purchase history).

As per claim 15, Tavor et al discloses:

wherein a specific configuration of a radiological viewing station comprises software packages, (Col. 8, lines 36-39, software package).

As per claim 16, Tavor et al discloses:

wherein the product selector file is written in extensible markup language (XML), (col. 2,lines 17-24, XML).

As per claim 17, Tavor et al discloses:

wherein the product selector file populates the results page with a specific...viewing station configuration that matches the customer's responses in the completed query page, (Col. 11, lines 1-9, shows product recommendation is in the form of an HTML).

Tavor et al does not specifically disclose that the viewing station is radiological, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67.

However, Doi et al discloses:

A radiological viewing workstation, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system. Doi et al discloses this feature in an analogous art for the purpose of showing that workstations can be used to view radiological images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation with the motivation of viewing radiological images.

As per claim 18, Tavor et al discloses:

wherein the results page is written in Java script, (Col. 2,lines 32-34, software module written in Java).

As per claim 19, Tavor et al discloses:

an application server coupled to a network, the application server directing a customer to files stored in the computer system, (col. 3, lines 27-29, Web server);

a product selector file written in a markup language and stored in the computer system, the product selector file defining a plurality of questions designed to elicit data from a customer to determine a single radiological viewing station to recommend to the customer from among a plurality of...viewing stations wherein the product selector file provides the plurality of questions to a query page for delivery to a customer, (Col. 49, lines 30-34, set of questions for presenting to customer, col. 7, lines 65-67, shows the generation of a query to present to a user),

a program that operates to determine a recommended...viewing station for the customer by comparing data provided by the customer via the

plurality of questions to...viewing station data stored in the computer system, (Col. 7, lines 17-33, compares the pattern of the condition to the already known information, w/ Col. 7. lines 12-15, shows a software module that provides support for recommending a particular product to a user; and

a product configuration file written in a markup language and stored in the computer system, the product configuration file holding the...viewing station data used by the program, wherein the product configuration file provides

information relating to a recommended radiological viewing station to a results page for delivery to the customer, (col. 10, lines 15-21, configuration file, w/ , (Col. 11, lines 1-9, shows product recommendation is in the form of an HTML).

Tavor et al does not specifically disclose that the viewing station is radiological, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67.

However, Doi et al discloses:

A radiological viewing workstation, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system. Doi et al discloses this feature in an analogous art for the purpose of showing that workstations can be used to view radiological images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation with the motivation of viewing radiological images.

As per claims 20 and 21, Tavor et al discloses:

wherein the product selector file/ wherein the product configuration is written in extensible markup language (XML), (col. 2,lines 17-24, XML).

As per claim 22, Tavor et al discloses:

wherein each question is a multiple-choice question, (col. 8, lines 40-48, shows product selection of diamonds);

As per claim 23, Tavor et al discloses:

further comprising a help file written in a markup language and containing information regarding each choice in at least one multiple-choice question, , (Col. 7, lines 34-39, asking user questions to get more information for missing values, also, col. 42, lines 31-42, allows user help with an unrecognized word, where the invention is implemented in a GUI environment that provides Web pages as disclosed in Col. 2, lines 16-31, also, col. 9, lines 20-22 shows that topics contain an HTML reference or link to a URL and Col. 28, lines 44-48, shows a list of topics given to a user to select from when answering a question).

As per claim 24, Tavor et al discloses:

wherein the help file is written in hypertext markup language (HTML), Col. 2, lines 16-21, HTML).

As per claim 25, Tavor et al discloses:

wherein the application server is a Java class, (Col. 2,lines 32-34, Java applet part of Java class).

As per claim 26, Tavor et al discloses:

wherein the program is a Java applet, (Col. 2,lines 32-34, Java applet).

As per claims 27, 28, Tavor et al discloses:

wherein the query page/ wherein the results page is written in a Java script language, (Col. 2,lines 32-34, software module written in Java).

As per claims 29, Tavor et al discloses:

wherein a recommended computer system comprises software, (col. 1,lines 40-42, shows product that is recommended can be software).

As per claims 30, Tavor et al discloses:

routing a request for assistance from a customer to a product selector file written in extensible markup language (XML), wherein the product selector file is a template with questions stored in the product selector file, (Col. 49, lines 30-34, set of questions for presenting to customer, col. 7, lines 65-67, shows the generation of a query to present to a user, col. 2,lines 16-23, shows utilization of XML).

delivering the template over the network to a customer, (col. 7, lines57-64, "AskUser" template delivered to user);

receiving a completed template from the customer, (Col. 10, lines 54-58, shows user's responses to queries are processed by "Input Agent"); and

determining a recommended...viewing station configuration by comparing customer data derived from the completed template to supplier data stored in the computer system in a product configuration file written in XML, wherein the product configuration tile fills a results page with the recommended radiological viewing station configuration for delivery to the customer over the network, (Col. 7, lines 17-33, compares the pattern of the condition to the already known

information w/ col. 10, lines 15-21, shows configuration file, w/ Col. 11, lines 1-9, shows product recommendation can be in the form of an HTML, however, col. 2, lines 16-22, shows that XML can be used as well).

Tavor et al does not specifically disclose that the viewing station is radiological, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67.

However, Doi et al discloses:

A radiological viewing workstation, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system. Doi et al discloses this feature in an analogous art for the purpose of showing that workstations can be used to view radiological images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation with the motivation of viewing radiological images.

As per claim 31, Tavor et al discloses:

activating a link in a page to an application server, (Col. 9, lines 21-23, shows link to a URL).

As per claim 32, Tavor et al discloses:

wherein the application server routes the request to the product selector file, (col. 50, lines 31-32, selecting a product).

As per claims 33, 34, Tavor et al discloses:

wherein the template/wherein the results page is a Java script file, (Col. 2,lines 32-34, software module written in Java).

As per claim 35, Tavor et al discloses:

Connecting a customer communication system to a computer system provided by a...viewing station supplier, (Fig. 4);

routing a request for assistance from the customer to a product selector file written in extensible markup language (XML), wherein the product selector file fills a template with questions stored in the product selector file, (Col. 49, lines 30-34, set of questions for presenting to customer, col. 7, lines 65-67, shows the generation of a query to present to a user, col. 2,lines 16-23, shows utilization of XML, col. 8, lines 40-48, shows product selection of diamonds);

delivering the template to a customer, (col. 7, lines57-64, "AskUser" template delivered to user);

completing the template with the customer communication system and transmitting it to the computer system;

receiving a completed template from the customer, (Col. 10, lines 54-58, shows user's responses to queries are processed by "Input Agent"); and

determining a recommended...viewing station and configuration by comparing customer data derived from the completed template to supplier data stored in the computer system in a product configuration file written in XML, wherein the product configuration file fills a results page with the recommended radiological viewing station configuration for delivery the customer

communication system, (Col. 7, lines 17-33, compares the pattern of the condition to the already known information w/ col. 10, lines 15-21, shows configuration file, w/ Col. 11, lines 1-9, shows product recommendation can be in the form of an HTML, however, col. 2, lines 16-22, shows that XML can be used as well).

Tavor et al does not specifically disclose that the viewing station is radiological, but does disclose that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67.

However, Doi et al discloses:

A radiological viewing workstation, (Col. 2, lines 57-59, shows system is a computed radiography system and conventional screen-film system. Doi et al discloses this feature in an analogous art for the purpose of showing that workstations can be used to view radiological images.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a radiological viewing workstation with the motivation of viewing radiological images.

As per claim 36, Tavor et al discloses:

wherein the customer communication system is a second computer system having an interface coupled to the Internet, (Col. 2, lines 6-8, Internet).

As per claim 37, Tavor et al discloses:

wherein the supplier data comprises data for a plurality of...viewing station configurations of components and software, (Col. 2, lines 51-57, shows ability to view video stream data, which includes viewing of components and software).

As per claim 38, Tavor et al discloses:

wherein determining comprises using a program to compare the customer data to the plurality of...viewing station configurations of components and software, (Col. 7, lines 17-33, compares the pattern of the condition to the already known information).

As per claim 38, Tavor et al discloses:

wherein the product configuration file provides the results page with the data for a specific ...viewing station configuration of components and software when the program identifies a specific...viewing station configuration that matches the customer data, (Col. 7, lines 17-33, compares the pattern of the condition to the already known information w/ col. 10, lines 15-21, shows configuration file, w/ Col. 11, lines 1-9, shows product recommendation can be in the form of an HTML).

Response to Arguments

4. Applicant's arguments, see the claim objection section in the remarks, filed 2/23/05, with respect to claim 29 have been fully considered and are persuasive. The objection of claim 29 has been withdrawn.

5. Applicant's arguments filed 2/23/05 have been fully considered but they are not persuasive.

As per claim 1, the applicant argues that Tavor fails to disclose any information relating to radiological viewing stations or their configuration. However, it is the combination of Tavor with Doi that discloses these radiological viewing stations. First, Tavor discloses that a product in the form of a multimedia reference can be presented to the user such as a picture in Col. 8, lines 66-67. Although true that the multimedia

reference relates to the presentation of the information in the "E-Shop", the "E-Shop" is no more than a virtual store Web site as shown in col. 5, lines 5-7. Here, Tavor discloses that the invention is implemented through a virtual sales representative for interacting with a customer browsing a virtual store Web site. In addition, a multimedia reference is a picture as shown in Col. 8, lines 51-53. It is also shown that the user is a computer user in col. 5, lines 18-19, further reinforcing viewing where the station is represented by the computer. However, the examiner combined both the Tavor and Doi references. Since Doi discloses a system is a computed radiography system and conventional screen-film system in Col. 3, lines 59-65, where images can be viewed, when combined with Tavor, discloses the radiological viewing station.

The applicant also argues that Tavor does not disclose the recommendation of a viewing station at all. However, in col. 7, lines 12-15, Tavor shows a software module that provides support for recommending a particular product to a user. In Col. 48, line 37-Col. 49, line 19, Tavor shows an example of how computers are the recommended product, and in Tavor, it is the computer that is used as a viewing station as discussed above in the preceding paragraph.

The applicant also argues that the examiner has failed to identify a reasonable motivation to combine Tavor and Doi. However, the Tavor and Doi references are combinable since both disclose the ability to provide a visual representation of image data.

The applicant has challenged the examiner's official notice where the examiner has stated that it is old and well known to have a station that enables an operator to

view images produced by a computed tomography system, a magnetic resonance imaging system, and a positron emission tomography system. The applicant has asked that the examiner provide evidence of the well-known nature of these recitations. Specifically, the Barnes et al (US 6,633,674) shows all three of these image viewing techniques as resources used for viewing medical image data files. In Col. 3, lines 30-35, all three techniques are disclosed.

As per claim 19, this claim recites limitations essentially identical to those of claim 1, and is therefore rejected for the same reasons as discussed above with respect to claim 1.

As per claim 30, this claim recites limitations essentially identical to those of claims 1 and 19, and is therefore rejected for the same reasons as discussed above with respect to claims 1 and 19.

As per claim 35, this claim recites limitations essentially identical to those of claims 19 and 30, and is therefore rejected for the same reasons as discussed above with respect to claims 19 and 30.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Tuesday 8:30am-5pm, and Wednesday, 8:30 am-12:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 [After final communications, labeled "Box AF"], 703-746-7239 [Official Communications], and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
May 11, 2005

THOMAS A. DIXON
PRIMARY EXAMINER